Part 3
Waivers of Immunity

63G-7-301 Waivers of immunity.
(1)
  (a) Immunity from suit of each governmental entity is waived as to any contractual obligation.
  (b) Actions arising out of contractual rights or obligations are not subject to the requirements of Sections 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.
  (c) The Division of Water Resources is not liable for failure to deliver water from a reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development Act, if the failure to deliver the contractual amount of water is due to drought, other natural condition, or safety condition that causes a deficiency in the amount of available water.
(2) Immunity from suit of each governmental entity is waived:
  (a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;
  (b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;
  (c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;
  (d) subject to Subsection 63G-7-302(1), as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;
  (e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney fees under Sections 63G-2-405 and 63G-2-802;
  (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;
  (g) as to any action brought to obtain relief from a land use regulation that imposes a substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious Land Use Act;
  (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
    (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or
    (ii) any defective or dangerous condition of a public building, structure, dam, reservoir, or other public improvement; and
  (i) subject to Subsection 63G-7-201(4), as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.

Amended by Chapter 342, 2015 General Session

63G-7-302 Specific remedies -- "Takings" actions -- Government Records Access and Management Actions.
(1) In any action brought under the authority of Article I, Section 22, of the Utah Constitution for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation, compensation

and damages shall be assessed according to the requirements of Title 78B, Chapter 6, Part 5, Eminent Domain.

(2)
  (a) Notwithstanding Section 63G-7-401, a notice of claim for attorney fees under Subsection 63G-7-301(2)(e) may be filed contemporaneously with a petition for review under Section 63G-2-404.
  (b) The provisions of Subsection 63G-7-403(1), relating to the governmental entity's response to a claim, and the provisions of Section 63G-7-601, requiring an undertaking, do not apply to a notice of claim for attorney fees filed contemporaneously with a petition for review under Section 63G-2-404.
  (c) Any other claim under this chapter that is related to a claim for attorney fees under Subsection 63G-7-301(2)(e) may be brought contemporaneously with the claim for attorney fees or in a subsequent action.

Amended by Chapter 3, 2008 General Session
Renumbered and Amended by Chapter 382, 2008 General Session